

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

September 8, 2000

SEP 11 7 35 AM '00

Ms. Alva E. Smith  
Federal Election Commission  
999 E. Street, NW  
Washington, D.C. 20463

RE: MUR 5060

Dear Ms. Smith:

Yesterday, I opened an envelope that was forwarded to us from a business located at 1325 S. Five Mile Road in Boise. It contained an inquiry from Jeff S. Jordan of the Federal Election Commission referring to a complaint received from:

Robert S. McCurry  
302 East Fourth Avenue  
Lenoir City, TN 37771

The letter was mailed on August 10 to my attention at an incorrect address: 1325 S. Five Mile Road in Boise and was not forwarded to us until September 1.

The complaint referred to our ad that has appeared monthly in *American Legion* magazine for a product that we manufacture which aids people with low vision by magnifying reading material electronically and displaying it on a large monitor. The photograph that appears in the magazine was taken in November 1999 and depicts our product magnifying a newspaper article which appeared in the November 16 1999 issue of the *Idaho Statesman* newspaper. An important element of the photo was that it clearly show the newspaper being magnified as well as the product which was magnifying it. This required that we use an article appearing along the right side of the newspaper. The article on that day happened to contain a reference to 'George Bush'.

Mr. McCurry's complaint is that the presence of this reference to 'George Bush' constitutes a 'political ad' for George Bush.

It was not our intent to publish something that Mr. McCurry would find so insulting. We have no plans to publish future ads which bear any kind of reference to any political candidate. However, I believe that Mr. McCurry is mistaken if he thinks that a business cannot even refer to the name of a candidate in the neutral vernacular of business communication. I believe that if this ad did in fact contain this kind of neutral reference to candidate George W. Bush, we could still appropriately publish it. Please clarify this for me.

## VideoEye Corporation

10211 West Emerald  
Boise, ID 83704  
ph (208) 323-9577  
fax (208) 377-1528

Federal Election Commission

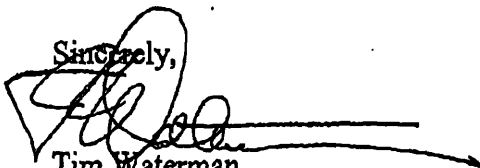
September 8, 2000

page 2

I want to note the following points:

- 1) The 'offending' newspaper article is not about candidate George W. Bush, but rather his father. This should have been clear to Mr. McCurry because the material that appears on the monitor coincidentally alludes to "the former president".
- 2) The reference is neutral and innocuous - I wonder why McCurry assumes that the article is somehow supportive of candidate George W. Bush; I do not have a copy of the article, but I believe that the article actually had nothing to do with him.
- 3) We have now submitted updated material to replace this ad. This step was not taken in response to Mr. McCurry's complaint. It simply follows the schedule of updated ad material that is submitted for publication.
- 4) The suggestion that there was an intent to contribute or detract from any political candidate's campaign is quite mistaken - the material that appears on the screen in our ad is merely the consequence of the content that appeared in the article that was published that day in that newspaper.

Sincerely,



Tim Waterman  
President

09:43:20 09/08/2000